

DISASTER RECOVERY TOOLKIT

MODULE 3 POLICY & REGULATORY ISSUES: SCDAS & THE COORDINATION OF STATE RECOVERY EFFORTS

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FOR STATE COMMUNITY DEVELOPMENT AGENCIES



Prepared For:



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MODULE 3

HOW TO USE THIS MODULE

The Toolkit is comprised of five separate Modules. The Modules are sequentially numbered for ease of identification. However, the Toolkit is NOT a linear document. Each Module is designed to stand-alone and allows target users to simply pull out the module that is appropriate to their mission.

While State Community Development Agencies are the primary audience for this Toolkit, the Governor's office, other State agencies, and Local Government can also benefit from the information and guidelines contained in this Module and the Toolkit.

The audience for this Module may vary from State to State and will vary depending on how the recovery effort is organized in each State.

MODULE 3 Policy & Regulatory Issues: SCDAs & the Coordination of State Recovery Efforts	
TARGET AUDIENCE	Target Audience <ul style="list-style-type: none"> State CD Agencies Governor's office Other Audience <ul style="list-style-type: none"> Other State Agencies State Legislature Local Governments
OBJECTIVE	<ul style="list-style-type: none"> ✓ Assist the SCDAs and the states' higher authorities in understanding and successfully coordinating their State recovery efforts: <ul style="list-style-type: none"> ➢ Module 3 will focus on how successful coordination can help to create opportunities for streamlining and complying with the myriad of federal and State regulatory requirements, and for capturing and leveraging recovery resources (i.e., financial and technical) from public and non-governmental sources ➢ Module 3 will also discuss the various organizational and legal frameworks that their State's higher authorities may establish, and within which a State CD Agency may have to operate for recovery; Also, what policy and/or procedure should be established pre-event or quickly post event to support the State CD Agency's role in recovery and expedite the recovery process ✓ The importance of an Action Plan in the context of recovery
TOOLS	<ul style="list-style-type: none"> Action Plan Template Waiver Checklist
Module 3 Subsection Contents & Focus	
A. INTRODUCTION	Recovery creates opportunity. The community has the opportunity to rebuild in a way that will improve the community in the long term. This opportunity can easily be lost if the State CD agency, other State agencies and the community do not understand how to utilize resources. This section focuses on how to remove the barriers to recovery for the community.
B. ROLE OF THE STATE	Each State will approach their role in recovery differently. This section provides examples of the different way States have addressed their role in previous disasters to support Community Development. In addition this section will cover the potential roles and responsibilities that Legislative, Congressional and Executive offices can play to expedite recovery.
C. KEY ISSUES AND CONCEPTS	This section discusses key questions that may assist the State CD agency and others as to how best to approach recovery. This section includes discussions on decision-making authority, methods for setting priorities, flow of funding, prioritization and communications protocol. This section is intended to provide the starting point for State CD Agencies after a disaster.
D. UNDERSTANDING POLICY, REGULATIONS AND STATUTES	Federal/ State Regulatory, statutory and policy requirements and restrictions-modifications to enable appropriate programs may be needed. This section looks at different approaches when attempting to make changes or adjustments in modifications are applied.
E. WAIVERS AND EXCLUSIONS	This section will be based on the experience of previous State CD Agencies in dealing with waivers for specific programs. A list of common disaster waivers and exclusions, in addition to how they are applied, will be outlined in this section.
F. CDBG ACTION PLAN	The importance of the Action Plan and other strategic recovery plan(s) is addressed.

INTRODUCTION

State government agencies and officials recognize that disaster recovery is not an established procedural science, but rather an art that contains policy and decision points unique to each disaster. The key to any approach is the knowledge that disasters are a tragedy. The recovery is an opportunity

Experiencing a disaster is a tremendously powerful event. The loss of innocent lives and disruption can take a personal toll on the survivors and those who become involved in any phase of the response or recovery. Experienced individuals will agree that there is a palatable moment in the life of both a survivor and a community as a whole where the focus shifts from what has happened to what will happen in the future. That is the shift from disaster response to disaster recovery. It is also that shift in thinking, speaking and acting that allows the recovery effort to become a series of opportunities for any individual or any community.

**DISASTER IS A TRAGEDY.
RECOVERY IS AN OPPORTUNITY.**

Module 2 of the Toolkit describes the *phases of a disaster*. It explained the role of State's emergency management agency to create an emergency response plan that describes the policy and practice necessary to respond to any disaster. That response plan is consistent with the Federal Emergency Management Agency (FEMA) and the *Stafford Act*. Refer to the **Reference Library** for additional information regarding the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Typically, the plan offers policy related to disaster preparation, disaster mitigation, and disaster response (emergency response and stabilization). State agencies tasked with those phases know their assigned roles and responsibilities (State Highway Patrol, National Guard, Emergency Response Teams, etc.). Regulatory agencies also work in the early phases of a disaster and they know their defined roles, as they are set and established by existing federal and State laws.

Often, however, the emergency plan does not include the policies and procedures to implement a recovery for individuals or communities. That means, the **State's Community Development Agencies**, may be expected to participate in the recovery phases of a disaster. One issue with this is that most State CD Agencies do not have an established plan or set of policies from which to work.

Where do I find a copy of my State's Emergency Management Plan? What is my role?

The task of the State development agency faced with any disaster is to establish an effective system of recovery, relevant to the specific needs of the disaster survivors, in a manner that will sustain the community and the person. It is the recovery phase (short or long

term) where the Community Development agencies are most often involved and where their expertise is most often required.

This module of the Toolkit is designed to help State Community Development agencies understand the policies, procedures and requirements related to recovery support including considering State legislative actions as well as responding to federal requests such as the development of a CDBG Action Plan.

ROLE OF THE STATE

When a disaster occurs, the State may play a role in every phase. States also approach disaster recovery differently dependent on how they are organized, how their role is defined in relation to local agencies and the type of disaster that has occurred. Sometimes, there is just one input, from the top. Other times there are multiple layers of inputs, from which the State CD Agency will need to determine an appropriate and effective role. There may be disasters where the extent of any role may be different within the phases of the disaster.

States are organized in many different ways from one another. They create different agencies with different names, and different missions. States apply different levels of staffing, pay differently, and choose or accept different tasks as their responsibility. One major difference is the way they use State funds and develop State programs. For example, some states provide numerous State resources for community and economic development, others provide very little as a State may not see that as a role or

responsibility. States also assign the administration of federally funded programs to different agencies. For the purposes of disaster recovery, it may be helpful to view State departments as either: "regulatory" or "development" in nature. Regulatory agencies are those, which are usually involved in the "response phase" of a disaster. Development agencies are those, which are usually involved in the "recovery phase" of a disaster. Regardless of how the State is organized, coordination with, and an inventory of, the agencies and resources of the development agencies will benefit a recovery design.

Consider a development agency in the State to lead the recovery phase of the disaster . . .

The State and local government dynamic also differs from State to State. The level of authority, level of local control, and roles and responsibilities typical to the State will play a significant role in the response and recovery from a disaster.

What other inputs and influences will determine the State's role?

1. Size of the Disaster – How much of the State did the disaster impact? Is it part of one community or a majority of the State? Policy established for a disaster that affects one community may likely differ from that established for a disaster that extends multiple counties and even a majority of the State.
2. Scope of the Disaster – What is the level of damage sustained? Did the disaster produce minimal damage or catastrophic damage? How much time will be spent in the recovery process? Weeks or years?
3. Sectors Affected – What sector or sectors were affected: housing; economic or business; public infrastructure and public facilities; and environmental, or a combination? To what degree were the sectors affected? Will there be necessary short-term recovery efforts to implement before long-term recovery efforts? How dependent is each sector on the other for success now? Will priority order be a necessity?
4. Resources - What financial resources are available to assist with the recovery? Are there federal funds, State funds, local funds, or private insurance? Is there adequate manpower at the State level to implement a recovery? Will the State have to make up for lack of local manpower?
5. Capacity – Does the State have the knowledge, expertise and experience to implement a recovery? Will the State have to make up for a lack of local capacity?

If disaster recovery is not already assigned and designed in the State's emergency management plan, then the recovery activities will likely fall to the development agencies, including the State's Community Development Agency (State CD Agency).

WHAT IS A SECTOR?

In terms of disaster response and recovery, communities are typically divided into four primary sectors:

- Housing
- Economic / Business
- Infrastructure
- Environment

GOAL SETTING, PRIORITIES AND POLICY MAKING

A necessity of any recovery is establishing goals, priorities and policies. Unfortunately, defining goals and articulating them is often lost in the midst of a disaster. Goals define the direction of the recovery. Priorities define the path. Policies define the steps along the way. A clearly established goal or set of goals allows for a point of direction or a place to aim for to the persons involved in the recovery. Having recovery goals provide the basis for establishing priorities; a clear set of priorities provide direction for policy and decision making such as directing programming, manpower, and resources. After a disaster, the Governor, the legislature (or some appointed entity), and the local governments may all establish goals. Opposing goals may present obstacles to recovery as well as difficulties for the State Community Development Agency to establish policy. Size and scope of the disaster may shape how the goals are developed and determine who is involved in the process.

An extremely large disaster that dramatically impacts one sector (such as housing) may require that the goal setting and priorities be established at the State level to ensure that policy remains consistent. On the other hand, a disaster that impacts only one community, may allow for goal setting and priorities to be developed by that community. State policy would then support those specific goals and priorities. The important point here is that there are many factors that shape the goals and priorities. There is a direct correlation between the size and scope of a disaster (the sectors affected) the resources available, and the

State and local capacity. These factors also should guide who participates in the goal setting, priorities, and policymaking.

In order to set the framework for decision-making, the following questions may help:

- Will statewide policy and goals be established and applied to all local efforts?
- Will the State use its own resources to accomplish the established policy and goals?
- How will the State respond to locally developed goals and priorities and how will the State incorporate these into statewide policies and goals?
- How will program design and delivery be shaped by State and/or local priorities and goals?
- Once known, how will the State CD Agency create policies and procedures to assist in accomplishing the goals and remain consistent with the priorities?

In almost all of the above cases, it is recommended that states encourage (to the point of providing funding for technical assistance if needed) the local community to establish recovery goals, develop a recovery plan, identify recovery projects and set priorities for those projects. Why? Because the **funding** available for recovery plan implementation, through the State CD Agency and other development agencies will be limited. It will be important for the local community to seek out a wide range of funding resources to fully implement their plan. The funding agencies will also find that selection of projects in which to invest their limited resources is a much more productive event when coupled with solid planning and clear strategies.

Strategic planning is crucial to goal setting in disaster recovery. Engaging in a quick, disaster focused and inclusive planning process is time well served. It identifies direction, expresses goals, determines strategies and creates the path for everyone involved to proceed in a uniform manner.

Strategic planning:

- The first step of guiding the community to look forward to the future instead of back to the disaster event.
- Identifies specific action steps
- Incorporates participation from all sectors which creates buy-in
- Matches up the needs with the goals and makes sure that there is no break in the chain between the two
- Is a living document with milestones and benchmarks from which progress may be measured
- Produces a working document intended to identify catalytic projects and activities that will lead directly to the over all goals
- One which the State, the separate State agencies, and the local governments would be well served to put into place

The planning process need not take a substantial amount of time. It is especially important to get to the point of implementation. A solid strategic plan will offer enough direction for the recovery that will serve the community well. **Modules 4** and **5** address the Long-Term Community Recovery Strategic Planning process.

What happens if the local government goals and priorities are in direct conflict with the State goals and priorities?

One of the political realities faced by the State CD Agency and other development agencies with financial resources, is the one where opposing forces have opposing ideas. While there is no perfect solution, here are some recommended guidelines that may be useful in addressing potential conflicts:

- The State agencies administering funds under the control of the State have an obligation to the Governor's office and his or her assigns and the legislature. Therefore, the State CD agency or the local governments cannot ignore policies created by those authorities.
- Local government has the responsibility to create the most effective recovery possible for their constituency and local authority cannot be ignored.
- In any type of political difference, resolution comes when each party understands the position of the other and the motivation behind that position. While voicing their position publicly may not appear to be constructive, many times that is the only way they have to show their constituency that they are fighting for them. Not all debates are absolute deadlocked standoffs. Winning isn't

always everything. Finding the compromise where each party can take credit for their role is a common solution found every day in the political process.

- For the State policy decision makers:
 - Knowledge and understanding of local needs, desires, and plans is a must. Most federal fund sources, passed to the State, require public input in to the decision making process. State policy decision makers must have access to and utilize accurate data.
 - Communication (clear and concise) of the State's priorities and intended use of funds to the local governments and disaster survivors including the overall goals, purpose, and reasoning will help alleviate misunderstanding and discontent.
 - Transparency in decision-making will assist locals in understanding.
 - State and local elected officials awareness and appreciation for any federal programmatic rules and regulations that come with the funding will help avoid conflict between the policy and implementation.
 - Implementation of recovery programs must be sensitive to local codes.
- For the local policy and decision makers:
 - There are limited funds and sometimes there are limitations applied to the use of the funds.
 - The State has a different perspective. Local governments may not recognize needs other prevalent throughout the State and therefore may not have an appreciation for the priorities established for State or Federal funds.
 - Local governments that express their needs and the requests they are making in a clear and concise manner, are more likely to convince State agencies to invest or award funding.
 - Finding a way to articulate funding requests where local and State goals intersect may more readily convince funding agencies to invest.
- For the State CD Agency:
 - Conflicting messages may require the State CD Agency to communicate the differences between State and local goals and priorities.
 - The role of the State CD Agency is to identify program restrictions that may prevent either the State or locality from using the funds for a particular purpose or in a particular manner. Equally, if not more important, is the role that requires the State CD Agency to find creative solutions to the use of the funding so that it in some way may be used in whole, or in part, to solve a problem.
 - Differences left without resolution may prevent the State CD Agency from establishing effective strategies for the use of the funds.
 - Not all differences are bad. Finding acceptable compromise or finding arenas where priorities intersect or overlap or may result in a niche for the use of the funds. Furthering the conversation between State and local decision makers may result in a higher and better use of the funds.

EXTENT OF STATE ROLE IN RECOVERY

What will be the extent of the role that the State plays in recovery? Certainly, any goals and priorities established by the State will dictate a part of the extent that the State plays. Will it be similar to the existing role played in individual and community development? Or will the State and its development agencies play an extended role? An extended approach by a State may include:

- Coordination of partner agencies;
- Identifying flexible State resources to aid in the recovery;
- Offering strategic planning services to communities;
- Measuring local capacity issues and designing mechanisms to fill in the gaps;
- Creating new State programs to assist the communities financially; and,
- Adding and/or assigning staff to a particular community or region to provide on-site technical assistance.

**DISASTER RECOVERY . . .
WHOSE RESPONSIBILITY IS IT?**

The extent of the State's role in disaster recovery may include even more factors. There may be **specific** philosophical, political, and cultural pressures that dictate or influence an approach to disaster recovery. Just as State's differ in their approach to community development, they may easily differ in their approach to disaster recovery. The States approach to disaster recovery may be to remain consistent with how they operate in non-disaster mode, where there is a confident level of existing expertise. For example, if

the State uses its development resources predominantly for public infrastructure, then that may be the sector where the State concentrates its recovery efforts. The same may be true for housing or economic and business development. On the other end of the continuum, the State may approach recovery by entering entirely new territories reacting in the most flexible manner with the intent of breaking new ground with creative policy.

A State's approach toward community development may define the role or extent of a role in disaster recovery. If the State approach to community development is one where local government and local citizenry is typically responsible for their own well-being; and the states see's its role and responsibility as one which facilitates local choice; the State may feel that recovery is a local responsibility. Thus programs may be designed where the local jurisdiction takes on the responsibility for planning, setting priorities, applying for and administering grants through the State CD Agency. It is important to assess these policies and program decisions. There may be instances where the disaster merits a different approach. The State Community Development Agency must be prepared to respond by designing program assistance in a manner consistent with the community recovery goals, to meet community needs, and to create results.

Refer to the **Module 5** and the **Reference Library** for examples of State Program Design

ADVANCING RECOVERY OPPORTUNITIES

Recovery may be either an opportunity or an opportunity lost. Effective goal setting, priorities, and policymaking can take advantage of opportunities, add value and shorten the recovery timeline.

Community Developers will appreciate the concept of the development timeline. Normal development activities that take place in any community sometimes take years to achieve. Local plans of all types serve as guides to those activities. Communities in the recovery process are implementing community development activities, as well. Instead of growth or obsolescence or market demand causing the development, the cause is the disaster. The concepts of development, however, remain. Recovery planning, can serve to guide recovery activities. Recovery planning can actually compress the recovery time period by identifying and setting into action specific projects and activities that move the community away from the disaster and closer to the recovery. And recovery planning can lead to opportunity recognition. If a planned thoughtful approach is taken, value may be added to design, construct, repair, and replace facilities during the recovery process.

Paving the way for private investment is the real key to disaster recovery.

Community Development agencies that work with communities on a regular basis also recognize the existence of key projects that serve as catalysts for further development. They understand how to design the use of their public funds in a manner to spur private investment. Private investment is necessary to establish a real economic change in any

community, especially following a disaster. Using public dollars in a manner that facilitates individuals, families or businesses to re-invest their own personal money will advance the recovery. Similar to non-disaster investments by government, the elimination of barriers and the elimination of risk will pave the way for private dollars. Designing programs or activities to promote these investments is the key to success.

After a disaster, the long-term community recovery effort is an important step to open doors and opportunities for persons, businesses and communities. A State CD Agency can play an important role in helping make those opportunities happen. As we have said, getting back to a sense of "normalcy" is a perceived priority after a disaster. This drives the initial reaction to simply "put things back as they were before the disaster." When that statement is actually analyzed, many communities would choose otherwise. They may not wish to repair or replace a piece of infrastructure that did not work to serve the needs of the community before the disaster. Seeking opportunities to "add value" are the responsibility of leadership both at the local level and at the State Community Development Agency level.

Refer to the **Reference Library** for an example of a community project adding value in recovery

Knowledge of financing programs is the first way to add value. If a community proposes to adapt a piece of damaged infrastructure, to meet current community needs, they may pose the plan to FEMA's Public Assistance program, and receive permission to do so. FEMA may lower the percentage they will pay for

but if the community can use its own resources, or if the State provides additional resources, then it is possible for the project to proceed.

TYPICAL AREAS OF POLICY MAKING

FUNDING

Many disasters result in supplemental funding appropriated from the federal government to aid in the recovery. In the case of Community Development agencies, the typical fund source is the Community Development Block Grant Program. If the State receives supplemental, discretionary funding for disaster recovery from HUD or other (non-FEMA) funding one policy decision will include choosing the administering agency. Likely, the administering agency will be that agency already responsible for the State CDBG program.

NECESSITY IS THE MOTHER OF INVENTION

Recovery includes business, housing, and community development. Necessity compresses the activities into a much shorter time creating the need for new ways of operating and cooperating to be deployed.

States must make policy decisions regarding State funds in a variety of areas after a disaster:

- Is there a State rainy day fund that will be used to aid in recovery or specifically, to match any FEMA Public Assistance funds that are provided to the State after a declaration?
- If a supplemental CDBG appropriation is provided, how will the federal match requirement be met? (See Module 4 for explanation of match.)
- Will the State require local financial match for any recovery funds offered to local governments?
- Will any use of funds require a legislative action?
- How will the funds be disbursed? Will funds be provided directly to beneficiaries or to local governments?
- Will maximums be established?

The needs presented by a disaster will always outweigh the available resources. Policy will be necessary to establish priorities for the use of any of the State funds or federal pass-through funds. Since there will never be enough funding to meet all of the needs after any disaster, in what areas will the State focus the resources? How will they match long-term goals to strategies to meet those goals and effectively meet the needs?

Refer to the **Reference Library** for a sample of a Supplemental Appropriation Bill.

MANAGING RESOURCES

When a State receives federal funding, and even when the non-profit and volunteer organizations initiate their activities, the State finds itself with an enormous amount of resources to manage. Successful management falls into 5 main areas:

- Coordination and cooperation
 - Internal Coordination: Defining the Community Development Agency Mission and Avoiding Mission Creep
 - What role will the Community Development Agency play in the recovery?
 - How will the Agency be best organized to achieve maximum effectiveness for the people served?
 - How will duplication of services or elimination of gaps be addressed?
 - How will the mission of the agency remain consistent with its capacity?
 - Where can the agency seek professional resources and assistance?
 - Does the authority and decision making power to achieve the mission exist within the agency?
 - How will the agency communicate with partner agencies, local governments, and others involved in the recovery effort?
 - What will the program delivery system involve?
 - Coordinating Priorities and Goals:
 - What strategies will the Community Development agency create to accomplish goals and priorities?
 - How will the Community Development agency manage and administer its funding to meet those goals and priorities?
 - What types of activities would best lead to the goals?

- Are there conflicting goals between the State and locals? How will those conflicts be resolved?
- Are there conflicting goals between or among State agencies?
- Coordinating Partner Agencies
 - Who are the other State and federal agencies relevant to the Community Development agency's mission?
 - How can the Community Development agency partner with the non-profit agencies?
 - How can the Community Development agency partner with the private sector?
 - How can agencies avoid a duplication of effort or a duplication of benefits?
 - How can partner agencies work together to add value and take advantage of opportunities in the recovery process?
- Coordinating with Communities
 - How does the Community Development agency reach the local government? Will creative ways of communication be required? Has the leadership and population been displaced?
 - How will the Community Development agency gain input and feedback from the community?
 - Are there capacity issues to be addressed at the local level?
 - Are there existing networks or organizations that can serve to assist (regional planning commissions, etc.)?
 - Are there professional organizations that can serve to assist (American Planners Association, International City/County Management Association, American Society of Landscape Architects, American Institute of Architects, etc.)
- Coordinating with HUD
 - What are the requirements for the existing CDBG Action Plan or supplemental appropriations?
 - What waivers are needed by the State and locals in order to use the funds for their recovery needs, what waivers are available, and what is the process for gaining them?
 - What is the timing to gain an approved CDBG Action Plan and how is that incorporated into the overall process?
 - Where can the Community Development agency gain technical assistance using CDBG for disaster recovery?
- Coordinating Finances
 - How can CDBG funds be used to leverage more funds?
 - What are the sources and uses of FEMA funding and what gaps are left?
 - What is the most timely fund delivery mechanism?
 - How can the program design create methods for the CDBG funds to stimulate private investment?
 - What local dollars will be required to assist in financing recovery projects?
 - How is accountability assured?
 - Will a new recordkeeping system be required?
 - What other State funded development programs may be available to the recovery efforts?
 - What other federal agencies are potential funding sources?
- Coordinating Rules and Procedures
 - What federal rules do agencies share that can be streamlined?
 - What federal rules apply differently to federal fund sources that may require coordination?
 - Do the different disaster response agencies have experience with CDBG?
 - Would a course taught by the Community Development agency on CDBG rules and regulations be beneficial for other agencies?
 - How does the Community Development agency teach the opportunities for CDBG recovery funding to the potential applicants?

ORGANIZING RESOURCES

There is nothing more valuable in a disaster recovery than a person or group of persons who know and understand the variety of resources available. This person or group is a rare commodity so most of the time the State must organize their resources using a number of groups and people. The organization of resources allows for the identification of funding gaps for recovery projects. It allows for systems and processes to be established for delivery of resources, where there are none, and it allows for finding and

adapting resources to fit prevalent needs not filled. Often, the organization of resources occurs in the silos of State agencies, but a successful recovery will create a venue where that information can be shared. We described the Incident Command Structure (ICS) that States and FEMA uses in responding to a disaster. As you'll recall, one of the key aspects of ICS is that the Mayor of the city may take orders from the fire chief. ICS requires the folks involved to remove the "hat" that they wear, and their designation of status or power, in favor of establishing a structure that responds to the incident in an effective and efficient manner. This same concept should be brought to bear in recovery planning and implementation, break down the silos and work toward resolving key issues for recovery implementation.

INTEGRATING STATE AGENCIES INTO RESPONSE

Part of organizing resources for the State is integrating State agencies into the response. The State Emergency Response Plan will define many agencies roles. States practice emergency response and key individuals are assigned positions at the Emergency Operations Center. What is not often defined is the role of the development agencies in long-term community recovery. They may be working from little or no formal processes or direction. An effective long-term community recovery may be left merely to the personalities of those in the positions of authority.

Refer to the **Reference Library** for examples of Best Practice for the above-mentioned Rules or Procedures.

Define your SCDA role in the Emergency Response Plan and make sure you are a known quantity and valued partner at the Operations Center conference table.

COMMUNICATION

Disaster recovery is also a function of good communication. The communication system is not only federal to State, or State-to-State, or State to partners, or State to local, but is all of those simultaneously. Communication must be quick, concise, current and all-inclusive. Communication systems range from email list serves, to daily or weekly meetings, or teleconferences. The media may be used as well to serve to provide communication to a desired sector. The key to effective communication is feedback. Is the message getting across to the intended targets? Is it understood and is it having the desired result?

Often, after a disaster, the normal modes of communicating from the State level to the local level are disrupted. If the normal channels of communication are disrupted, finding the audience and using creative means to send the information may be necessary.

Even if they are still intact, the local governments are facing information overload so the task of the State CD Agency is to determine how to best send the message. Trusted intermediaries that represent the local government may be one way to effectively communicate with many municipalities at once. Or, the State CD Agency may need to place personnel at the regional level so that face-to-face communication may be used.

There is one method of communication that everyone will agree may be time well spent or a dismal failure. That method is a meeting. There is nothing more frustrating in the time of a disaster, when schedules are full, than to have to spend time in an ineffective meeting. Meetings, if held, especially the ones that are repeating daily or weekly as needed, must have a stated purpose and a written agenda. They must have the correct participants and they must be held to their time frames.

It is the State's responsibility to set up the formal means of communication within the State. This communication goes beyond the communication plan enacted by the emergency responders. This is a formal means of communication between the development agencies involved in disaster recovery; the local governments; and, the Governor's office and the Federal government. The Community Development agency may create new means of communication (regular meetings, memos, bulletins, reports) with their partner agencies in order to accomplish an efficient recovery. All states with disaster recovery experience rate having an effective communication strategy and effective implementation of it, as among the highest priority items leading to successful disaster recovery.

COMPROMISE

Successful recovery efforts include the art of compromise. Any action by one agency that slows the recovery effort runs the risk of stopping it altogether. Staff has to keep the goals and outcomes in focus; be empowered to make decisions; be willing to play the role of troubleshooter and facilitator; and keep the efforts moving forward. There is normally no one person or authority to assume this role. It is up to all of the participants in the recovery effort.

INFORMATION SHARING

Unfortunately, much of the relevant information collected regarding disaster survivors, is held closely by the agency collecting it. While privacy laws and regulations are enforced in disasters, they sometimes limit development agencies abilities to create programming to match the assessments completed. This is particularly true in the housing sector. Often, development agencies are left to create a response based on limited information regarding the sector in need (single family, multi-family, affordable, market rate, etc.)

GIS mapping overlays are sophisticated enough to assist recovery planning efforts now by overlaying the path of the disaster with local data. Satellite mapping, such as *Google Earth* can assist an agency with gaining a necessary perspective when depicted with other disaster maps. The aerial view adds a dimension and scale not readily recognized by touring disaster sites. Refer to the **Reference Library** for a recovery planning Mapping Example (e.g. *Google Earth*).

- Public Infrastructure/Public Facilities:
 - There is a fairly standard opportunity for sharing information about public facilities and public infrastructure. For disasters not declared by the federal government, the local government, regional planning commissions, economic development organizations, municipal leagues or other existing venue may serve to gather relevant information regarding the extent of damage.
 - For declared disasters, with FEMA Public Assistance funding in place, the best resource is FEMA Project Worksheets, which may be requested by the development agencies. Refer to the Reference Library for a sample FEMA Project Worksheet (PW).
- Business/Employees:
 - A resource for understanding the affected business sector may be through a combination of local chambers of commerce and the State workforce development agencies and local career centers. In large disasters, the US Department of Commerce may perform and economic impact analysis, however that information may not be as detailed as necessary from which to design a program for response.
- Housing:
 - Although aggregate numbers of damaged residences may be gained from FEMA and the Red Cross, the source that provides more detailed information about the homeowners, and their personal situations, is lacking.

INPUT AND DATA COLLECTION CENTERS

One way a State may gather it's own detailed information about disaster survivors is to arrange for a collection system itself, or though the local governments. This may take the form of creating damage assessment teams, or opening up input and data collection centers. Setting up data collection centers along with other agencies is not only convenient for the agencies, but it is convenient for the survivors as well. A one-stop center works well to not only serve the information needs of the State, but may also serve the local government, private sector, and general public, as well.

Direct data collection by development agency personnel is not a typical activity with which they may be familiar. The key is to define succinctly the purpose for the data collection, creating a specific questionnaire, providing legal assurance of the protection of information gathered, and tabulating and interpreting it correctly. All of this must be arranged and completed in a timely manner so that the "programs" may be created and delivered to meet specific needs.

RECORDKEEPING

Recordkeeping is the last, but certainly not the least, component of managing resources. The value of recordkeeping is tremendous. Setting up an automated system is necessary. Requiring, obtaining, and keeping source documentation is a must. Unfortunately though, in the midst of a disaster, it is often an activity pushed to the backburner.

Recordkeeping systems are another factor of size and scope of the disaster. For many of the activities, implementing the already existing methods of recordkeeping will be satisfactory and will work adequately. For others, new structures and processes may have to be established.

There are private consulting agencies that will promote the sale of their record tracking software. If the State IT department has capacity, it may express the opportunity to design the system. Whatever method is chosen, it is necessary to assure timeliness, accuracy, capacity, and confidence, before the data is loaded into the system. Local governments will demand efficient systems since their time and resources will be stretched. Federal agencies and the Governor's office will require accountability.

Assuring compliance, tracking funds, especially benefits provided to homeowners and businesses, will be subject to scrutiny by the press, the auditor's office and others. Poor recordkeeping systems will subject the development agency to non-compliance and embarrassment. It will stall progress and innocent disaster survivors will suffer needlessly.

State CDBG recordkeeping requirements are found at 24CFR 570.490. The types of records important to keep include:

- Sub grantee reviews
- Evidence of eligibility
- Evidence of project is consistent with application
- Evidence of national objective
- Financial management
- Compliance areas

LET THE BUYER BEWARE

Disasters also represent opportunities for less than scrupulous businesses and "entrepreneurs" persons selling their expertise to State and local government in a time of need. Thus, it is inherent that both State and local government review qualifications, determine procurement processes to assure broad solicitation and competition, and hire firms only with direct experience to provide the services that they need.

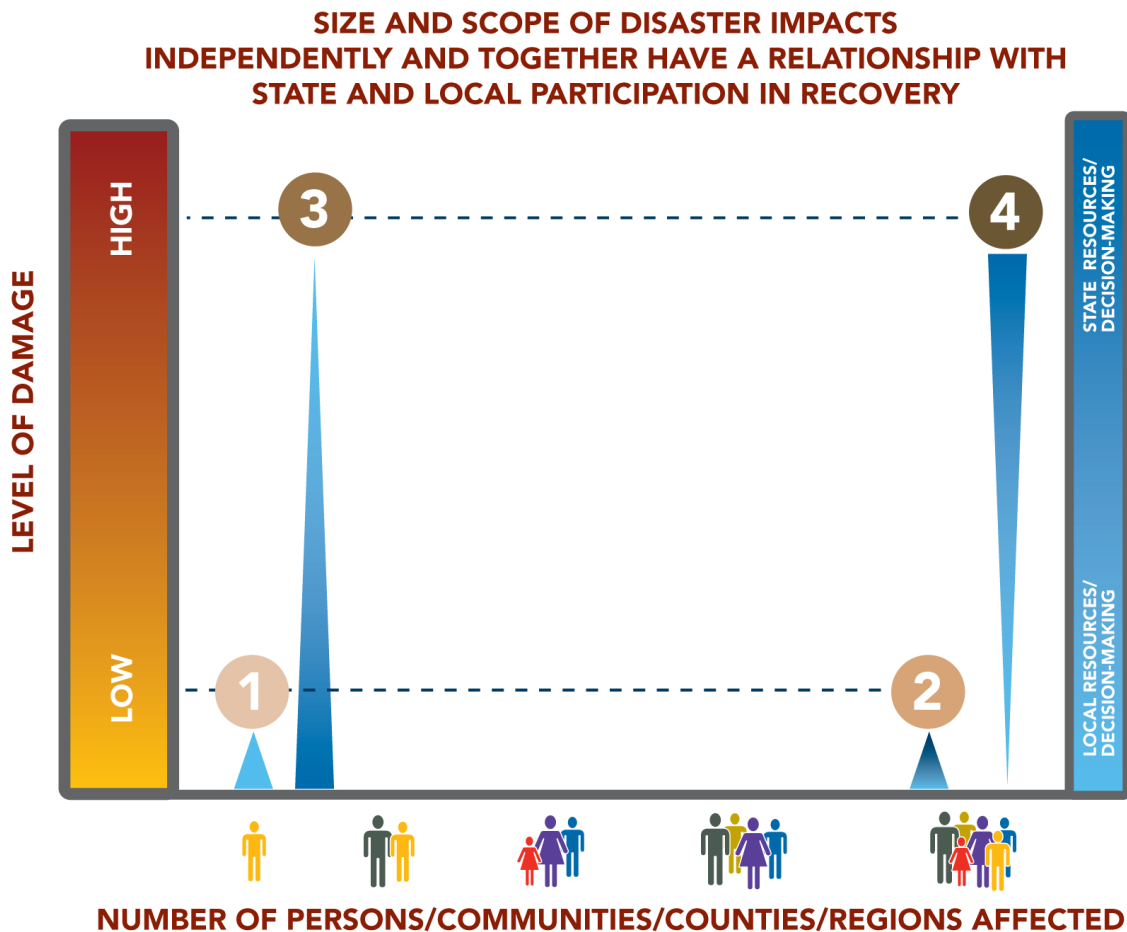
Interview any bidders and request that the interview include not just the person representing the company in the bidding process, but the ones that will actually be performing the work.

TIMING

Module 2 presents an overview of the recovery continuum and in Module 4 we will cover the recovery planning process. The continuum shows that the predominant role of the State Community Development Agency may be found in recovery (toward the end of the continuum). So it is important to resist the temptation to participate in the emergency response and early recovery phases. It is this time when emotions are high and the desire is strong to meet individual survivor needs. Taking too prominent a role at this early stage of recovery you may find that programs and funding are pushed and pulled in a variety of directions; in particular if the community does not have a vision or goals and objectives. This could lead to funds being quickly depleted on activities that may not create sustainable community recovery. Instead, the Community Development agencies should attend early planning meetings related to disaster response and tour communities to garner information and progress. The information gathering in the early days after the disaster event will help create their programs and program delivery systems.

This time, during early response and short term recovery may be spent meeting the partner agencies, learning the resources being made available to communities, tracking progress, determining gaps, collecting data, watching for trends, recognizing opportunities (especially actions they can take to add value) and assessing the timeline for when the stages of the continuum will move to the phase of recovery.

The Community Development agency can use the information gained by participating in early recovery meetings to build and leverage relationships, develop programs and maximize their efficiency so that, when the community focus shifts to long-term recovery, you are ready.



▲ Local Decision-Making ▼ State Decision-Making

- 1 Low damage and low numbers of people affected have minimal roles for the state in recovery. Low damage and low persons generally means bottom up decision making and local resources.
- 2 Low damage but high numbers of people/communities, etc. affected may have more of a role for the state in recovery. Low damage but high numbers of people is likely bottom up but adds state resources.
- 3 High damage and low numbers of people affected has a minimal role for the state in recovery.
- 4 High damage and high numbers will have more of a role for the state in recovery. High damage with high numbers of persons is more likely top down with state resources.

STATE GOVERNOR EXECUTIVE ORDERS – REQUEST FOR FEDERAL DECLARATION

When a disaster occurs, the Governor enacts the resources of the State to respond. State law typically affords the Governor authority, through Executive Order, to extend and expend the resources of the State in the manner necessary to respond. When the disaster exceeds the resources of the State, the Governor may appeal to the federal government for assistance. A federal disaster declaration has the effect of implementing federal manpower and resources to respond. The level and degree of the response by the federal government is primarily based upon the size and scope of the disaster, the extent of damage and the estimated cost of that damage. Disasters may be declared for FEMA assistance by county within the State.

When a federal declaration is made on a disaster, the funding is applied to the State and local eligible entities on a cost-share basis. The cost-share may change and State's often appeal for a smaller cost burden for the State and local governments.

FEDERAL LEGISLATIVE DELEGATION

The State's Congressional delegation may be engaged to propose supplemental appropriations bills to obtain additional federal funding. The State's Congressional Delegation will lead any efforts to introduce bills in the respective Chambers related to long-term recovery for their State. It is important to engage with the Congressional staff, using the appropriate communication system in the State, to lend assistance in drafting the legislation, suggesting waivers, and requesting amounts backed by data for applicable programs. No two supplemental appropriation bills for disaster recovery are the same. Both the Governor's office and the Congressional delegation can play a huge role in the direction, purpose, use and flexibility of the appropriation. And, they can design it to directly meet the circumstances in their State. It is important, to maintain communication with the communities to gain an understanding of their needs so that the relevant information may be reflected in the bill.

STATE LEGISLATIVE ACTIONS

The local State legislative body may also be engaged in disaster response and recovery. They may pass legislation, pre-disaster, that establishes the processes for engagement of State resources in the event of a disaster. Knowledge of how any required State legislative action may fit into the recovery process, particularly in the distribution of funds, will allow for adequate planning and timing. As an example, if the receipt of additional federal funds requires State legislative appropriations actions for spending authority, the process necessary to achieve that spending authority will need to be incorporated in to the distribution of funds timeline. By the way, it is possible that some State legislators were directly impacted by the disaster. It would be very important to know this before you go out to the field or to a committee meeting. Many states immediately inventory State employees who have been affected by any disaster so that they may specifically address their employee needs as a part of the response and recovery. And finally, the State CDA must realize that many of the members of the local government may have sustained personal losses as a result of the disaster. There is a tremendous amount of pressure on local decision makers.

Pre-disaster legislation may include:

- Set-asides and use of any "rainy day funds" or emergency funds in certain defined events
- Enabling legislation that allows the Governor expanded executive powers or public safety officials the flexibility needed to adequately address a disaster recovery
- Emergency procurement processes to engage assistance within the purchasing requirements established by State law
- Legislation that allows State statutory development programs expanded authority or eligibility and rule flexibility to be used in long term disaster recovery projects

Post-disaster legislation may include:

- Appropriation authority, if necessary, to expend federal funding
- Appropriation authority to expend additional State funds outside the existing budget
- Legislation defining the priority use of any recovery dollars

The degree to which the State and federal government can react with appropriate legislation will directly affect the timing of the recovery. Refer to the **Reference Library** for Examples of State Legislation

MODELS FOR DISASTER POLICY MAKING

Governor's holding office while a large disaster strikes have created a number of leadership models for dealing with the scope of the disaster. The models include a range of engaging assistance from using existing State employees, Cabinet members and agency heads to enlisting the assistance of personnel outside the State system.

- Public task force – this model uses State, local and federal agency members in a manner that will most accurately represent the experience and expertise needed to address the event.
- Private recovery authority – this model uses members of all facets of the private sector that may lend their expertise to the efforts.
- Public/Private task force – this model uses a mix of a. and b.

Refer to the **Reference Library** for Leadership examples and best practices.

TASKS FOR POLICY MAKERS

The task force or membership may be tasked with a number of recovery process components. They may be asked to do everything from setting priorities, to making funding decisions. They may be involved in setting policy, or to developing State programs for delivery to disaster survivors. Their role may be at a conceptual level or at a very detailed level. In either case, you must understand what this role is and be prepared to take on a role as it relates to the task force.

Mission and Purpose – when any task force is implemented for use in disaster recovery it is important that the mission and purpose be clearly defined. Any areas where confusion may occur will create gaps in the recovery and cause delays. Here is another excellent opportunity for the State CD Agency to assist by facilitating (or bringing in someone to facilitate) the development of their mission and purpose. Remember, make it happen quickly, if you have to bring in an outsider; make sure that you have the structure in place to do this prior to a disaster occurring.

In addition to a clear mission and purpose, the task force has to have their authority defined specifically. If not, there will be tension and territory issues between those entities currently holding that authority and the task force, which will also cause inefficiencies and delays in the recovery. If the task force is given the authority for making funding decisions, they must also be provided with an understanding of any rules that accompany fund sources. A process of recommendation from the professional staff to the task force for any funding decision may be the most efficient method to adopt. Once again, taking a role in facilitating communication, coordination and cooperation between competing interests will go a very long way toward keeping the focus on the disaster affected community and long-term recovery.

Key participants from the State focusing on long-term recovery include:

- A representative from the Governor's office
- Representatives from State Agencies / Departments:
 - Economic Development,
 - Housing,
 - Commerce,
 - Natural Resources or Environmental Protection
 - Agriculture,
 - Transportation,
 - State historic preservation officer,
 - Energy, and
 - Other development agency.

Balance the policy with any existing rules attached to the funding. And balance both rules and funding with the implementation.

Build a Recovery Team that includes at least:

- A person to serve as the liaison with the Governor's office, and the Legislature;
- A press person or communications person who knows the details and can control the message;
- Finance professionals who can track the funds and create reliable accounting systems;
- Development finance professionals who understand how to fund projects with multiple sources;
- Field staff who are knowledgeable, patient, and who will problem solve and trouble shoot;
- Audit and monitoring staff who are seen and heard

KEY ISSUES AND CONCEPTS

DECISION MAKING AUTHORITY

The hierarchy in existence before and after a disaster plays a huge role in defining an efficient response. If existing decision making authority remains, individuals will understand their responsibilities, reporting, and chain of command. If any changes are made to the hierarchy after the disaster (Governor's task force; appointees) clarity must be established so that individuals understand not only what information needs to run up the chain of command, but in what form; what amount of detail; and how often, in order that actions and activities are not delayed. Clarity is not only essential at the State level but it is equally important to have the local partners understand the authority regarding decision making and the expectations of the same, as well. A hierarchy is necessary to maintain perspective and to assure results are consistent with the goals.

ESTABLISHING THE PROCESS FOR MAKING A DECISION

Timing and timeliness are cornerstones for any disaster recovery. Often, whole series of local decisions are dependent upon each decision made at the State level. Delayed decision making not only stalls the progress, but it makes it continually harder to regain the momentum needed to generate the recovery. A process for decision-making is a task done either in the preparedness stage or very early in the response phase. Establishing a process while the community and survivors are moving into the recovery phase will be detrimental and will impede progress.

Understanding the hierarchy and the process established for making a decision is critical. As a State CD Agency you should be able to answer the following questions:

- How far is the State CD Agency from the point of authority?
- Can the State CD Agency make decisions?
- How many levels do you have to go through? Are you in the position to get things done?

The State CD Agency must clearly understand how and where they fit into the overall process. That knowledge and understanding allows for the planning necessary to make their role an effective one. Knowing and understanding personal authority and the authority provided to others in the chain of command will allow for decisions that are:

- Timely;
- Consistent; and,
- Relevant

The lack of a hierarchy and process for decision-making will result in poor decisions. Poor decisions not only impede progress but they often result in conflicting issues at the local level that frustrate recovery. Decisions that result in competing actions create problems that require more decisions. A clear hierarchy and defined process for decision making will provide the best chance for consistency. Consistent decisions keep the recovery effort focused on the goals, provide a foundation for security and stability, and avoid problems. Relevant decisions are ones that are aimed directly and specifically at addressing an issue and for which little gray area, or room for confusion exists.

Remember, your decisions affect decisions made in the chain of command below you. State decision making affects local decision making. Be concise, be timely, be consistent, and be relevant.

ORGANIZATIONAL MANAGEMENT

Organization management in disaster recovery requires a cooperative effort among typical and non-typical partners. Existing Memorandums of Agreement among agencies may be in place, or there may be existing points of contact and an operations system established. If this is the first disaster, however, or the first disaster where the State Community Development Agency is expected to play a role, the organizational structure may be foreign, or nonexistent.

State Community Development Agencies bring with them a series of networks to local government, local planning commissions, local economic and community development organizations, local non-profits and networks among many other State development agencies. How the State CD Agency can bring this network into the recovery system and mimic the existing structure is important to the success. How the

“development network” that will ultimately lead the disaster recovery relates to the emergency response network is a function of the overall organization effort.

Memorandums of Understanding (MOU) and Agreements, letters, or contracts may all serve to put in place a necessary piece of the organizational structure that does not exist currently. In addition, educational forums, seminars, and training opportunities established specifically for the non-typical partners will allow understanding and appreciation for roles and responsibilities. The State CD Agency may consider teaching other agencies about the Community Development Block Grant Program, who the contacts are, who may provide answers, how the funds are to be delivered, what the priorities are and any other relevant information in order to encourage the flow of correct information and avoid misunderstandings and misperceptions.

Refer to the **Reference Library** for examples of Memorandums of Understanding

PARTNERSHIPS

The State CD Agency will find the disaster makes them an instant partner with the federal government; specifically the US Department of Housing and Urban Development, and including but not limited to: the Federal Emergency Management Agency, the Environmental Protection Agency, the US Army Corps of Engineers, the Natural Resource Conservation Service, the National Trust, US Fish and Wildlife, and more. When working with any federal agency understand their chain of command, understand the laws, regulations and executive orders that they work under, and understand and learn who is able to provide, and will provide, valuable technical assistance to you throughout the recovery period.

The State CD Agency will also partner with the local governments in the municipal form and county form. If the State CD Agency creates a program delivery system that is direct to the disaster survivor, then they will find themselves in partnership with the homeowners, business owners and any other party affected by the disaster. Usually, the existing system established for communication, paperwork flow, education and technical assistance and fund flow may be applied to a disaster recovery effectively. Depending upon the size and scale, however, new modes of operation may need to be established.

Partnering with the private sector is a necessity. Investment by the private sector is the true evidence of recovery. If the hazards have been eliminated and the barriers to redevelopment minimized, and if a demand and a desire exists, then the private sector will likely respond. Individuals rebuilding their homes and businesses re-opening are all signs of the private sector investing. When that happens, there is a viable local economic impact. Private dollars are unlike the expenditure of public dollars. Private dollars add to the tax base, they create stability and they signal a long-term future. The State CD Agency may wish to design the use of the public recovery dollars in a manner that stimulates private investment. That way, the public dollars will assure the best recovery effort.

There are ways to use public dollars to stimulate private investment. These may include designing a program that includes: cost share or match requirements; using public funds to eliminate barriers such as permitting or paying hard costs such as land acquisition or debris removal. Additionally, the program may use public funds to pay for soft costs such as design. Using public funds to pay for public improvements and adding an “incentive” to the private sector will also encourage private investment. The “incentive” may be easy access to capital, reduced interest rates, grants, land swaps, or any other value based item.

The State CD Agency will find national non-profits at work after a disaster. The non-profits such as Red Cross and the Salvation Army typically work in disaster response, but many extend their services into disaster recovery. The coordination with these agencies is imperative so that there is no duplication of services and so that the services provided are cohesive, related, and helpful to attaining the goals. The non-profits serve a valuable role in disaster recovery, but they must work in tandem with the community and the State. There is nothing worse than working in opposition to a non-profit after a disaster. Note that when working with non-profits as partners, that any volunteer work that they are performing in the community must be consistent with local codes and ordinances.

LEADERSHIP

A proven element in the success of any disaster recovery effort is leadership. Clear and concise direction in a time when peoples focus is elsewhere and when emotions are in full swing, is a necessity. Some recovery efforts are given clear direction and priorities from the top. The Governor may set the priority areas of focus and establish clear goals, which allow each agency to adapt and organize in a way to

participate effectively. Leadership, however, happens at all levels. When applied effectively, it can move a community through a recovery process in a smoother and faster timeframe.

Often, the analysis of the difference between a successful disaster recovery and an unsuccessful one may be reduced to whether or not there was leadership present. There are many types of leadership, and there is no one type that has proven more effective than the other, but what has been proven is that when leadership is absent, so is the recovery. Leadership takes place in many levels, both State and local and at many levels within those two. It takes leadership at every level to affect a disaster recovery.

Effective leaders show their leadership. They understand and appreciate their role and they apply it in every setting. Among other attributes, successful and effective leaders:

- **Show up and listen.** Leaders perform site visits. Regardless of the time it takes, one of the most important attributes of a successful leader is their willingness to tour the disaster site and listen to the people affected.
- **Follow-up.** Leaders make sure that what they say they will get done. They follow up regardless of whether it is an item that impacts one person or many. If a request is made, leaders assure a response. Leaders understand that the answer may not always be “yes”, but that the power of their leadership lies in their effort and their reply.
- **Create processes to assure timely decision-making.** They create feedback loops and communications systems so that issues come to them from reliable sources. They put reliable people close to the activities. They assess the situation and they respond. Leaders do not wait for the problem to go away. Effective leaders understand consistency and fairness may sometimes be more important than being right. Wrong decisions made on good information still occur and may be corrected later. Not making decisions impedes progress and grinds the recovery to a halt.
- **Know the appropriate use of their authority.** Leadership is a balance of power, not an abuse of power.
- **Know the importance of keeping momentum.** The energy of a recovery takes on a life of its own. It will perpetuate and grow when fed with good information, decisions and actions. Stopping that momentum may be worse than the disaster. The energy that it takes to start the momentum again will be exponentially larger each time.

If a State plans to use CDBG funding to assist in the disaster recovery, detail will be required as a part of the Action Plan document!

Knowledge of this during the planning phase will ease the creation of that document.

SETTING PRIORITIES

In an earlier section of this Module, under “Role of the State” the concept of planning and goal setting and prioritization was introduced. Here, the subject is further broken down by how the program delivery may mimic the specific goals and whether those goals are the result of goals and priorities set by the Governor or goals and priorities set by local government and/or disaster survivors.

The size and scope of a disaster may affect:

- Who sets the goals and priorities;
- How limited funds are distributed (direct to the survivor, or to the local government);
- What specific activities are funded;
- What levels and amounts of recovery dollars are made available;
- What sectors (housing, commercial/business, infrastructure and environment) are assisted;
- What activities within each of those sectors are prioritized for funds;
- What “categories” of persons may receive assistance (income requirements, insured versus uninsured);
- What level of damage may constitute assistance;
- Whether access to different categories of funds is a decision made on individual cases or on whole regions of the State;
- How quickly the funding is needed at the local level to effectively address the desired result;
- How timely the activity can be completed; and,
- How closely an activity can be both tied to a need and a desired result.

The delivery of recovery program funds:

- May cover only one category and one activity, or many;
- May focus on only one sector, or all;
- May be simple activities by design, or complex by design;
- May be specifically designed or open to applicants and applicant ideas;
- May require consulting contracts or specialized services;
- May require a new application and guidelines;
- May use the existing network and processes established in the non-disaster program;
- May be managed by existing staff or all new staff or a combination of both;
- May use the specialists (such as Environmental Review and Labor Standards) from the existing staff and use new staff for the field;
- May be “stepped” or phased as necessary to meet a need and accomplish a desired result;
- May require buy-in or acceptance at the local level to make the activity their own.

Matching program delivery with the priorities and goals is creating a cause and effect relationship. If the program offers financial assistance to a project, will that project move the person or the community closer to the ultimate defined goal? The link has to be direct in order to establish the cause and effect. Indirect links may be used but understood to be a gamble. Sometimes determining the actions of people under certain circumstances, given the right opportunities, is an easy bet. Other times not. There are influences in disaster recovery, just as there are under normal community development and redevelopment, which are beyond the control of the State CD Agency or the local government. Personal choice and the freedom of personal decision making can result in unexpected outcomes. Program design and program delivery are important, and when created with experience and foresight can accomplish the desired results.

NEED

Disaster recovery is not only dependent upon individual recovery but it is dependent upon successful community recovery. Program design should address that notion, as well. It is at this point where recovery activities in the program delivery, may be broken down even further, to short term, immediate recovery activities, and long-term recovery activities.

The State CD Agency may conclude that the correct strategy to accomplishing the overall plan may be to design the program in a phased process. Housing is a good example of this issue. Often the disaster results in a need for permanent single family and multi-family housing. FEMA housing assistance may provide the needed relief for a period of time if adequate replacement housing or temporary housing is available, however, there is typically a longer time period required to restore permanent housing in large scale disasters. The interim period needed to stabilize persons and families while permanent housing is completed creates an immediate or short-term recovery strategy. There is no single larger issue of disconnect in disaster recovery than in the housing sector. It is here, where personal choice will cause failure in long term desired results. The need for housing outweighs almost anything. If a disaster survivor cannot see a resolution or a solution to that need, they will move. Planning for the viability of a community, maintaining its population, and sustaining its future, lies in the strategies derived for permanent housing.

Just as in every development circumstance, there are real needs and there are perceived needs. Real needs are derived through good data inputs. Perceived needs are sometimes the result of poor information or false conclusions, but they are not always negative. The Introduction to this Module discussed the shift in the response phase of a disaster, to the recovery phase. Often, that shift can be accomplished in part, by finding a solution to a perceived need. There is no opportunity gained by chasing bad ideas or using precious resources on problems that don't exist, but if a perceived need represents a barrier or if it represents an opportunity, then it may be worth the effort to address it. Correcting the perception is one solution but so may be addressing the perceived need. It may be an easy way to facilitate moving the recovery forward.

FLOW OF FUNDING (EXAMPLES)

The typical funding used in the “response phase” of a disaster is FEMA, State emergency responders, National Guard, local funds, volunteer and non-profit organizations, and social service providers. FEMA funds used in response include FEMA Public Assistance and Individual Assistance programs. The funds used in response are typically those necessary to address the emergency and stabilize the community. They are designed to be specific and temporary in nature.

The typical funding used in the “recovery phase” of a disaster is:

- FEMA Public Assistance,
- FEMA Hazard Mitigation,
- USDA Rural Development,
- Natural Resource Conservation Service,
- US Army Corps of Engineers,
- EPA or State Energy Assistance funding,
- State discretionary general revenue funding, and
- Other funding

Probably the largest pool of recovery funding comes from the Community Development Block Grant and the HOME Investment Partnership, both part of the U.S. Department of Housing and Urban Development’s Consolidated Plan programs. CDBG Disaster Recovery funding is typically structured as an offshoot of a regular development program. These funds are typically more flexible than response funds, and have a broader list of eligible uses. They are typically designed from permanent fund sources.

The CDBG and HOME program statutes allow for the use of existing State and local “formula based, annual appropriations” to be “re-designed” and used for recovery. In some cases Congress will authorize and fund a Supplemental Appropriation administered through HUD, specifically tailored to meet disaster needs and accomplish disaster plans and desired recovery. The supplemental CDBG funds may come proscribed with their statutory and regulatory rules or may address waivers within the Appropriations bill. The Secretary of HUD may also grant waivers, upon request from the State or HUD entitlement community to address disaster needs.

The flow of recovery funding typically mimics that of the non-disaster programming. This is the case with most all of the funds used in disaster recovery. The agency assigned to administer the State or local “regular” CDBG program is also the one likely to administer any disaster funding or any “supplemental” funds. As mentioned in the Role of the State section, earlier, the decision-making authority may change in the event of a disaster, but administration and fund flow is likely to be housed with the State CD Agency.

It is important to note that the State’s differ tremendously in their organizational structures. State departments differ, and the programs housed within those departments differ. In the case of HUD’s Consolidated Plan programs (Community Development Block Grant, HOME Investment Partnership Funds, Housing Opportunities for Persons with AIDS funds, and Emergency Shelter Grant funds) they may be housed in separate agencies throughout State government. This obviously not only complicates the flow of funds, but it also complicates coordination among the agencies in any disaster recovery.

Depending upon the size and scale of the disaster and the amount of funds, the administering agency may desire to establish a different fund delivery system than the one they currently employ. This may mean creating a new application and guidelines; contracting with another agency to perform some or all of the tasks associated with program delivery; or changing the grant management system to directly fund disaster survivors rather than implement the program through local government. It is a function of need and desired outcomes that should dictate the both the program design and the program delivery system.

COMPARISON OF TWO STATES

Any two states may differ in agency structure and placement of programs. Collaboration occurs more naturally among programs housed in the same agency. For example, neighboring States, Missouri and Iowa are each organized differently:

	HOME FUNDS	CDBG FUNDS
Iowa	Department of Economic Development	Department of Economic Development
Missouri	Housing Development Commission	Department of Economic Development

DUPLICATION OF BENEFITS

It is up to the administrators of disaster recovery funds, to establish a system to avoid the duplication of benefits (double funding from two or more government agencies of the same costs, or duplication of payments for losses paid by private insurance). Section 312 (a) of the Stafford Act, as amended states that no entity will receive assistance for any loss for which financial assistance has already been received from any other program, from insurance, or from any other source. The use of Federal and/or State funds granted for the same purpose clearly constitutes a duplication of benefits. Grant or cash donations provided by a third party also **may** constitute a duplication of benefits.

Refer to the **Reference Library** for FEMA Disaster Assistance Policy 9525.3 describes the Duplication of Benefits policy associated with Non-Government Funds. The policy may also be found at: http://www.fema.gov/government/grant/pa/9525_3.shtm.

TRACKING THE DOLLARS

Regardless of whether the State uses CDBG funds from its existing pool to assist with disaster recovery or they receive millions of dollars in a Supplemental appropriation, the tracking of those dollars is not just a federal government concern. It is rightfully a State concern. And the State should enforce it as a local concern, as well. The use of a tracking system not only tells how much money has been obligated and expended, but also to whom, and for what purpose. The system should integrate financial information, project progress, and project results into one. If the State designs its recovery around goals with specific priorities and those goals and priorities are met through strategic investments in certain activities, then the expenditure should be able to track the result.

When large sums of money are obligated to a particular activity, results are expected. Reporting must be accurate and timely. Data must be entered into the system daily. The database may be something that the State management information may provide or it may be software purchased from a private company. If the latter is used, call for references. Call other State's that have used the software and determine directly, their experience.

MONITORING AND COMPLIANCE

Disaster recovery funding is scrutinized by the federal funding agency in a much closer manner than any regular formula appropriation. Establishing a timely monitoring process where corrective action may be taken is an important feature built into any recovery program. Compliance activities, expectations, and actions should be clearly represented to each grantee. The program delivery system should be constructed in a manner to eliminate opportunities for fraud.

Fraud prevention and enforcement is necessary especially in today's world of identity theft. The proof of person, proof of ownership, and proof of survivor status are difficult after a disaster but are still a necessary part of the due diligence required by those administering federal funding. The monitoring of projects should be made on a regular basis using an established system which is provided in writing to each grantee. Record review, site visits, and regular communication will aid with success. Mistake proof the program system. Create written guidance for staff and for local government or beneficiaries:

- Monitoring checklists are a good tool for field staff to use.
- File maintenance procedures, including files by subject title, document content lists, and organization.

Finally, it may be necessary to publicize any prosecution and enforcement of compliance as a manner to mitigate any potential abuse of program dollars.

Refer to the **Reference Library** for a sample File Maintenance Checklist.

REMOVING THE BARRIERS TO RECOVERY

The State Community Development Agency has a multi-dimensional set of actions it must undertake in order to respond effectively to a disaster and be an integral part of the recovery. As we have discussed, the State CD Agency may be involved in:

- Goal setting and policy making;
- Opportunity identification;
- Role identification;
- Securing funding;
- Managing and organizing resources;

- Coordinating and participating in recovery efforts;
- Creating communication systems;
- Information sharing and information gathering;
- Establishing a recordkeeping process;
- Designing a program;
- Delivering a program;
- Tracking funds;
- Reporting results;
- And problem solving and trouble shooting along the way.

With the tremendous workload, the State CD Agency must look for ways to eliminate barriers to the recovery process. This extends from barriers that may exist to accomplishing the first bullet listed above, to the barriers that may exist to accomplishing the last.

One way to accomplish the elimination of a barrier to CDBG program design and program delivery may be through the process of requesting waivers. There are certain regulatory waivers that the Secretary of HUD may offer, as well as waivers that may be accomplished through the language of the appropriations bill that provides the supplemental funding. The next section will address CDBG policy, regulations and statutes.

Before you proceed, review the tasks that the State CD Agency may be faced with above and determine now, how you would eliminate unnecessary steps, or streamline the actions necessary to accomplish the task. Where can you go to the State to make each of those steps as simple, yet strategic and effective, as possible?

UNDERSTANDING POLICY, REGULATIONS AND STATUTES

THE PROCESS OF MAKING FEDERAL LAW

Understanding the process of how Supplemental Appropriations for disaster recovery are made, and the implications of those funds, will assist the State Community Development Agency to understand how they may access those funds, what the funds may be used for and what the funds may not be used for, and other relevant information needed in the development and implementation of a recovery program.

KEY TERMS TO UNDERSTAND:

Authorization - A statutory provision that obligates funding for a program or agency. An authorization may be effective for one year, a fixed number of years, or an indefinite period. An authorization may be for a definite amount of money or for "such sums as may be necessary." The formal federal spending process consists of two sequential steps: authorization and then appropriation.

Appropriation - The provision of funds, through an annual appropriations act or a permanent law, for federal agencies to make payments out of the Treasury for specified purposes. The formal federal spending process consists of two sequential steps: authorization and then appropriation.

SUPPLEMENTAL APPROPRIATIONS

Budget authority provided in an appropriations act in addition to regular or continuing appropriations already provided. Supplemental appropriations generally are made to cover emergencies, such as disaster relief, or other needs deemed too urgent to be postponed until the enactment of next year's regular appropriations act."

Every disaster is different. No two Supplemental Appropriations for Disaster Recovery funds are the same. Therefore, no standard disaster recovery program may be written. It is up to the State to develop a program from the unique Public Law passed as a result of the disaster.

Typically, the appropriations act will have guidance regarding the terms and conditions for how the funds operate and the conditions for their intended use.

The history of Supplemental Appropriations of CDBG funds for disaster recovery may be found in a report from the **Congressional Research Service (CRS)** for Congress: **Community Development Block Grant Funds in Disaster Relief and Recovery April 25, 2006.**

*This report may be found in the **Reference Library** in this Toolkit and at the following weblink: http://cipp.gmu.edu/archive/DisasterRecovery_CDBG.pdf*

Once the Public Law is passed regarding a Supplemental Appropriation, the applicable federal agency (the U.S. Department of Housing and Urban Development in the case of appropriated Community Development Block Grant dollars) publishes a notice in the **Federal Register**. The Federal Register is the daily supplement to the Code of Federal Regulations. It serves as the centralized publication to provide official notification to the public about Federal documents or proposals having general applicability. These may include Presidential proclamations and Executive Orders, and Federal agency rules, regulations, and notices.

The Federal Register adds process, procedure and requirements to the Public Law. It serves as guidance to the State to which the Supplemental Appropriation is applicable. The Register will cite waivers found in the law and offer processes for waivers that may be requested by the State to the HUD Secretary. The Federal Register will also provide guidance to the State on how to access the supplemental funds.

TYPICAL DEVELOPMENT AGENCIES AND PROGRAMS IN DISASTER RECOVERY

Overview of CDBG

The Community Development Block Grant (CDBG) program is a flexible program that provides communities with resources to address a wide range of unique community development needs. Beginning in 1974, the CDBG program provides annual grants on a formula basis to 1180 general units of local government and States.

HUD provides funding to States and Entitlement communities. Entitlement communities are principal cities of Metropolitan Statistical Areas (MSAs); other metropolitan cities with populations of at least 50,000; and qualified urban counties with populations of at least 200,000 (excluding the population of entitled cities). These communities are entitled to receive annual grants.

The State programs administer assistance to the "non-entitlement" areas of the State. State CDBG programs are typically found in the Department of Economic Development, Community Development, Commerce, Housing or Rural Affairs within State government.

Regular annual allocations of the CDBG funds are made to both States and entitlements based upon a formula, which is applied to the annual CDBG appropriation. The funds are provided to the entities based upon the successful completion, submission and approval of an annual CDBG Action Plan, which is tied to a 3 or 5 year Consolidated Plan. The Consolidated Plan represents the needs in the State and provides the overall objectives in the areas of economic and community development, and housing. The annual action plan provides more specifics on strategies to address the needs including program delivery and program design details. An Action Plan is always required for the use of CDBG funds. In a disaster, if there is a separate disaster supplemental appropriation, there must be a separate Action Plan. If the State uses its regular appropriation of CDBG for disaster recovery, the State must amend their existing Action Plan.

*Refer to the **Reference Library** for the Department of Housing and Urban Development (HUD) "[Guide to National Objectives and Eligible Activities](#)"*

CDBG Law and Regulation

Congress makes laws (authorizations and appropriations) and regulations are promulgated by federal agencies. In the case of CDBG the law is the Housing and Community Development Act (HCDA) and the agency (HUD) has promulgated regulations for the State program that may be found at 24 Code of Federal Regulations Part 570.480.

The CDBG program has 3 national objectives: The eligible activities must meet at least one of the following objectives:

1. benefit persons of low and moderate income,
2. aid in the prevention or elimination of slums or blight, or

3. meet other urgent community development needs because existing conditions pose a serious and immediate threat to the health and welfare of the community where other financial resources are not available.

Generally, a declared disaster area will meet the third national objective related to urgent need. However, the CDBG program statutes also require that 70 percent of the funds be used to benefit persons of low and moderate income (defined as below 80% of area median income). Unless this requirement is waived, the State may have to address the disaster within the confines of these requirements.

Typical uses of CDBG funds in disaster recovery include:

1. buying damaged properties in a flood plain and relocating residents to safer areas;
2. relocation payments for people and businesses displaced by the disaster;
3. debris removal not covered by FEMA;
4. rehabilitation of homes and buildings damaged by the disaster;
5. buying, constructing, or rehabilitating public facilities such as streets, neighborhood centers, and water, sewer and drainage systems;
6. code enforcement;
7. homeownership activities such as down payment assistance, interest rate subsidies and loan guarantees for disaster victims;
8. public services (generally limited to no more than 15 percent of the grant);
9. helping businesses retain or create jobs in disaster impacted areas; and
10. planning and administration costs (limited to no more than 20 percent of the grant). – source HUD website <http://www.hud.gov/offices/cpd/communitydevelopment/programs/drsi/>

Refer to the **Reference Library** for HUD guidance on the use of CDBG funds for disaster recovery. Information is also found on their website at:
<http://www.hud.gov/offices/cpd/communitydevelopment/programs/drsi/>

STREAMLINING PROGRAMS

In order to effectively serve communities and individuals following a disaster, the multiple programs involved in the recovery must find ways to operate together and minimize the duplicative or conflicting work that they require of the local governments, households or businesses. Many times, disaster survivors will supply the same information many times over to agencies simply because privacy laws do not allow the sharing of that detail. There exist however, within the programs and agencies currently at work in disaster recovery, plenty of opportunities to find solutions where there are no legal barriers (such as privacy laws).

Remember, if the State and federal funding agencies do not know how two programs work together to fund one project, then the localities are never going to know. No one else is going to find the solutions. State Community Development Agency officials may find the best solution is to learn the FEMA and other federal agency programs in order to understand how CDBG will work and where it will not work.

If multiple funding agencies are providing resources to the same “project”, those agencies must search to provide ways to share information. Some examples include:

1. Sharing the environmental review record (agencies may have separate publication requirements but the content of the record: the assessments, the findings, and any related documentation may be shared);
2. Sharing of procurement processes such as bidding;
3. Sharing contract content (the stricter may apply);
4. Integrating State law into the federal process where applicable;
5. Providing written guidance to localities of how the programs work together:
 - a. Frequently asked Q and A sheets;
 - b. Provide lists of contact names and phone numbers to locals.
 - c. Offer joint training seminars for locals
6. Requiring separate financial reporting systems but in similar formatting to allow “total project financial analysis”;
7. Providing separate reporting systems but in similar formatting to allow “total project results”.

If multiple agencies provide the same service, then those agency contacts should form a partnership and create joint decision-making and information flow.

Recovery agencies that provide funding may create seminars and trainings specifically designed to teach the other agencies with which they are sharing responsibilities.

Agencies sharing responsibilities may also perform their operations under programmatic agreements, which serve to streamline processes. A great example of this may occur with the State Historic Preservation Office where activities are declared exempt from review and where streamlined processes for review by the SHPO may be established under the agreement. Programmatic agreements also serve to divide duties when possible, so that one agency becomes the lead for addressing any particular issue. A programmatic agreement may work between the HOME and CDBG programs if they are administered separately, to define which agency addresses which housing need.

STAFFORD ACT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 100-707, signed into law November 23, 1988; amended the Disaster Relief Act of 1974, PL 93-288 and constitutes the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and FEMA programs. The Act is the guiding principle behind all federal disaster response and FEMA programming.

*For additional information ands specific Congressional Findings and Declarations about the Stafford Act, refer to the **Reference Library**.*

Robert T. Stafford Disaster Relief & Emergency Assistance Act

"Sec. 101. Congressional Findings and Declarations (42 U.S.C. 5121)

- a The Congress hereby finds and declares that -
 - 1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and
 - 2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity; special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.
- b It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by -
 - 1) revising and broadening the scope of existing disaster relief programs;
 - 2) encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;
 - 3) achieving greater coordination and responsiveness of disaster preparedness and relief programs;
 - 4) encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;
 - 5) encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations; and
 - 6) providing Federal assistance programs for both public and private losses sustained in disasters"

FEMA PUBLIC ASSISTANCE

The objective of the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant Program is to provide assistance to State, Tribal and local governments, and certain types of Private Nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.

Through the PA Program, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations. The PA Program also encourages protection of these damaged facilities from future events by providing assistance for hazard mitigation measures during the recovery process.

The Federal share of assistance is not less than 75% of the eligible cost for emergency measures and permanent restoration. The grantee (usually the State) determines how the non-Federal share (up to 25%) is split with the subgrantees (eligible applicants).

The above information came directly the FEMA website regarding Public Assistance (PA) program. Please refer to the Reference Library and the following weblink for additional details regarding FEMA's PA program: <http://www.fema.gov/government/grant/pa/index.shtm>

FEMA HAZARD MITIGATION

Mitigation includes activities designed to reduce exposure to or potential loss from disaster incidents. Mitigation measures may be implemented before, during or after a disaster and are often a result of lessons learned from prior events or training events. States and communities use hazard mitigation planning to set short and long-range mitigation goals. Mitigation is a collaborative process where hazards are identified, vulnerability is assessed and consensus is reached on how to minimize or eliminate the effects of all-hazards.

The Federal Emergency Management Agency (FEMA) offers several programs to State and local governments to manage risk and reduce impacts. These programs include:

- Hazard Mitigation Grant Program (HMGP), Section 404 (post-disaster)
- Hazard Mitigation Program - PA, Section 406 (post-disaster public facility or infrastructure projects)
- Pre-Disaster Mitigation Grant Program (PDM), Section 203 (pre-disaster)

Hazard Mitigation Grant Program (HMGP) funds are available following a Presidential disaster declaration. Eligible applicants include States, local governments, Indian Tribal governments, and some Private Non-Profit organizations. Communities may apply for HMGP assistance on behalf of affected individuals and businesses, and all funds must be used to reduce or eliminate losses from future disasters. Examples of projects include:

- Elevating flood-prone homes or businesses;
- Acquiring (and either demolishing or relocating) flood-prone homes from willing owners and returning the property to open space;
- Retrofitting buildings to minimize damage from high winds, flooding, earthquakes, and other hazards;
- Implementing minor flood control projects to protect critical facilities; and
- Constructing safe rooms inside schools or other buildings in tornado-prone areas

HMGP funding is allocated using a "sliding scale" formula based on the percentage of the funds spent on Public and Individual Assistance programs for each Presidential disaster declaration. For States with a Standard State Mitigation Plan, the formula provides 15 percent of the first \$2 billion of estimated aggregate amounts of disaster assistance; 10 percent for the next portion of amounts between \$2 billion and \$10 billion; and 7.5 percent for the next portion of amounts between \$10 billion and \$35.333 billion.

Grant applications are submitted to the State, which sets mitigation priorities and awards grants based on available funding and State criteria. FEMA conducts the final eligibility review to ensure that all projects are compliant with Federal regulations, including the Federal law that requires States and communities to have FEMA-approved mitigation plans in place prior to receipt of HMGP project funds. A mitigation plan

must identify hazards, assess community needs, and describe a community-wide strategy for reducing risks associated with natural disasters.”

Please refer to the **Reference Library** and the following weblink for additional details regarding FEMA’s Hazard Mitigation program: www.fema.gov/government/grant/hmcp/index

SMALL BUSINESS ADMINISTRATION

The Small Business Administration (SBA) provides low interest disaster loans to homeowners, renters, businesses of all sizes and private, non-profit organizations to repair or replace real estate, personal property, machinery & equipment, inventory and business assets that have been damaged or destroyed in a declared disaster.”

The SBA’s website - <http://www.sba.gov/services/disasterassistance/index.html> - provides an SBA disaster recovery plan, a tutorial on disaster recovery programming available and access to applications for assistance.

ECONOMIC DEVELOPMENT ADMINISTRATION

<http://www.eda.gov/>

The agency has responded to disasters by providing economic impact analyses for areas where the business sector is particularly hard hit. In addition to the analysis, EDA is a development fund source and those dollars may be prioritized to meet economically disadvantaged and particularly areas with sudden economic change.

UNITED STATES DEPARTMENT OF AGRICULTURE

<http://www.usda.gov>

USDA has development funding in a variety of oversight, technical assistance and financial assistance in a number of areas. When a disaster strikes, the agency may have any number of applicable resources that may assist local government, homeowners, and businesses, including farmers. The agency works with agriculture; education and outreach; food and nutrition; natural resources and rural and community development. USDA has regional and area offices in every State. Their website lists each office and their contact information.

OTHER STATE PROGRAMS

Many states may have flexible resources that can be used for different phases of the disaster response and recovery. Community Development Agencies may inventory their State programs to determine which may have the capacity to aid in a particular sector recovery. They may also determine if the State programs can be altered or amended (waivers applied) in order that they better serve the needs of the different sectors affected by the disaster.

LOCAL NON-PROFITS

Local non-profits are an excellent resource for use in disaster recovery. Often, their mission is broad enough and their funds flexible enough to respond. They also are readily established organizations with the capacity to administer disaster funds and disaster recovery programs.

PRIVATE BUSINESS

Private business is often an untapped resource in recovery. Both businesses within the disaster area and outside the disaster area have a vested interest in the recovery. It may mean re-establishing a customer base, or profit center for them, or it may be an opportunity for a philanthropic gesture. Local banks are especially interested in community recovery and the recovery of the business and housing sectors. When approached, they will often respond. Regardless of the motive, the State and local governments should incorporate the private sector into the recovery from the decision-making, to the implementation.

TYPICAL NON-PROFITS RESPONDING TO DISASTERS

The following non-profits have a national presence and will respond to disasters. They are primarily a part of the early response, but may assist, when integrated and coordinated, with the short and long term recovery of individuals and communities.

- **Red Cross**
www.redcross.org

The mission of the American Red Cross is: "The American Red Cross, a humanitarian organization led by volunteers and guided by its Congressional Charter and the Fundamental Principles of the International Red Cross Movement, will provide relief to victims of disaster and help people prevent, prepare for, and respond to emergencies." The Red Cross assists with housing damage assessments and responds to emergency needs.

- **Salvation Army**
www.salvationarmy.org

The Salvation Army responds to emergency needs by collecting and providing the basic essentials to disaster survivors: food, clothing, household items and other tools used in the stabilization of the community and residents. The Salvation Army has also worked with State agencies to assist in the relocation and recovery of homeowners after a disaster.

- **AmeriCorps**

AmeriCorps is a program of the [Corporation for National and Community Service](http://www.americorps.gov), an independent federal agency whose mission is to improve lives, strengthen communities, and foster civic engagement through service and volunteering. The local AmeriCorps volunteer groups often assist with disaster cleanup. State AmeriCorps has also sponsored or deployed local groups to disaster areas.

WAIVERS AND EXCLUSIONS

There are three ways by which communities and States may achieve further flexibility in the use of CDBG funds for disaster recovery. First, Congress, through public law may suspend a statutory requirement. The Housing and Community Development Act also allows the Secretary of HUD to suspend certain statutory requirements. Finally, the Secretary HUD may grant waivers of regulatory requirements at the request of the States.

Generally, HUD and Congress have not considered waivers under the following categories: nondiscrimination, environmental review, labor standards, and fair housing.

Because each disaster is unique and each supplemental appropriation contains unique language; a central document or guidebook that lists all of the waiver options available under the CDBG program for disaster recovery does not exist. Beneficial information may be found by within a few publications, however. The full publications may be found in the **Reference Library** section of this Toolkit. Portions of those publications and documents are described in the section.

EMERGING POLICY ISSUE IN REGARD TO WAIVERS

Recently, states have suggested that limited waivers be allowed in the environmental and labor standards requirements. This consultation should occur both with HUD and the State's Congressional delegation, as waivers placed directly in the legislative language both save time and act as direct guidance to federal oversight agencies.

WAIVER LANGUAGE

The best resource for waiver language related to disaster appropriations is found in the appropriations laws and the corresponding Federal Register Notices that relate to the Public Law. The following represents a list of the latest appropriations related to disasters and CDBG funding. Summaries of the appropriations law may be found in the Reference Library section of this Toolkit. The full content of the appropriations law is found at the following web site:

HUD has issued a Notice titled "Relocation and Real Property Acquisition Requirements- Suspensions and Waivers Available for Community Planning and Development Programs To Assist with Recovery and Relief for Presidentially Declared Disaster Areas." This Notice is provided in the Reference Library of this Toolkit and may be found at the following website:

<http://www.hud.gov/offices/adm/hudclips/notices/cpd/08-02CPDN.doc>

Another resource for waivers is to review copies of letters sent by State's requesting waivers including the response from HUD. These letters of request are normally sent to the regional HUD office. Examples of State letters and responses may be found in the **Reference Library**.

THE CRS REPORT FOR CONGRESS: COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN DISASTER RELIEF AND RECOVERY APRIL 25, 2006 PROVIDES:

"In addition to providing CDBG funding assistance, Congress has included a number of other provisions in past disaster relief appropriations to facilitate relief and recovery efforts and to ensure accountability. These have included the use of waivers, funding transfers, matching funds, and reporting requirements.

Authority to Waive Program Requirements.

Previous disaster relief appropriations have granted the Secretary of Housing and Urban Development significant authority to waive program requirements but have generally prohibited waivers in four areas: nondiscrimination, environmental review, labor standards, and fair housing. This is consistent with the program's authorizing legislation, which states that:

For funds designated under this title by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may Suspend all requirements for purposes of assistance under section 106 for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and requirements that activities benefit persons of low- and moderate-income.

Congress, on a few occasions, has waived or modified the CDBG program's income targeting provisions, which require grantees to allocate at least 70% of their funds to activities that benefit low- and moderate-income persons. For instance, in response to the Midwest floods of 1998 and the Florida hurricanes of 2004, the income-targeting requirement was lowered to 50%. In response to the 1992 Los Angeles riots, Congress increased the ceiling on the use of the CDBG funds for public service activities in Los Angeles from 15% to 25%.

In addition to waivers, affected grantees in presidentially declared disaster areas may request the suspension of certain statutory or regulatory provisions. This may include extension of the deadline for submitting annual performance reports, and changes in the time frame for measuring whether the community met the CDBG program's income-targeting requirement (that 70% of CDBG expenditures benefited low- and moderate-income persons). Grantees may also seek a suspension or removal of statutory provisions prohibiting the use of CDBG funds for new housing construction or for repair or reconstruction of buildings used for the general conduct of local government. Several past disaster relief acts included language requiring HUD to publish in the *Federal Register*, five days in advance of the effective date, any waivers or suspensions of any statute or regulation governing the use of CDBG funds for disaster relief.

Funding Transfers. Congress has included language in previous disaster relief appropriations allowing communities to transfer CDBG funds to other programs. For instance, disaster relief assistance legislation in response to the Northridge, California, earthquake of 1994 included a provision allowing HUD to transfer \$75 million in CDBG assistance to the HOME Investment Partnership program (a housing block grant administered by HUD). In addition, Congress included language in appropriations dealing with the 1998 Midwest floods that transferred administrative authority over CDBG funds for land buyouts from HUD to FEMA as a part of a disaster mitigation strategy.

Matching Funds. Congress has also included language in disaster relief appropriations requiring communities to meet a financial match requirement as a condition for receipt of CDBG-funded disaster relief assistance. For instance, disaster relief assistance in response to the Florida hurricanes of 2004 required each state to "provide not less than 10 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this heading." CDBGs awarded to states following the 1998 Midwest floods were conditioned on each state providing 25% in non-federal public matching funds.

Reporting Requirements. Several past appropriations acts have included provisions requiring quarterly reports on the expenditure of funds in order to provide oversight and ensure accountability in the allocation of disaster relief funds. Legislation providing CDBG disaster relief assistance to communities affected by the 1997 and 1998 Midwest floods included provisions that required HUD and FEMA to jointly submit quarterly reports to the House and Senate Appropriations Committees on the use of CDBG funds for land acquisition and buyouts."

Appropriations Related to Disaster & CDBG Funding

P.L. 109-148. Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006

Federal Register 06-8978

Federal Register 06-6589 Texas

Federal Register 06-5383 Louisiana

Federal Register 06-5382 Mississippi

Federal Register 06-5381 Alabama

Federal Register 06-1357 Common Application and Reporting

P.L. 108-324. Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005

P.L. 107-206. 2002 Supplemental Appropriations Act For Further Recovery from and Response to Terrorist Attacks on the United States \$783,000,000 Assistance to rebuild Lower Manhattan following Terrorist Attacks of 9/11/2001.

P.L. 107-117. Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002

P.L. 107-73. Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002

P.L. 105-277. Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999

P.L. 105-277. Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999

P.L. 105-276. Department of Veteran Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1999

P.L. 105-174. 1998 Supplemental Appropriations and Rescissions

P.L. 105-18. 1997 Emergency Supplemental Appropriations for Recovery from Natural Disasters and for Overseas Peacekeeping Efforts, Including those in Bosnia

P.L. 104-134. Omnibus Consolidated Rescissions and Appropriations Act of 1996

P.L. 104-19. Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-Terrorism Initiative, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, Rescissions Act, 1995

P.L. 103-327 Department of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995

P.L. 103-327 Department of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995

P.L. 103-211. Emergency Supplemental Appropriations Act of 1994

P.L. 103-75. Emergency Supplemental Appropriations for Relief from the Major Widespread Flooding of the Midwest Act of 1993

P.L. 103-50 Supplemental Appropriations Act of 1993

What/When/How/Who/Why of CDBG Waivers

There are a few actions HUD may take to assist States with disaster recovery including allowing previously awarded grant dollars to focus on disaster recovery activities (amending the State CDBG Action Plan for those program dollars); expediting grant awards for State's with grant years starting in the near future following the disaster; allowing the State to change their program start date to earlier in the year; and waiving both regulatory and statutory program requirements.

The purpose of granting waivers (and for States to request waivers) is to directly impact the ability of the funds to accomplish a desired result related directly to a persons or communities recovery.

Examples of Waivers

Waivers have been offered in the following arenas:

- Overall benefit
- Consistency with Consolidated Plan
- Citizen participation
- Consultation with local governments
- Action plan components
- Pre-agreement costs reimbursable

- Duplication of benefits
- Distribution to urban counties and entitlements
- Administration amount limitations
- Reporting
- Use of sub-recipients
- Recordkeeping
- Control of real property
- State-run activities
- Certifications
- Program income alternatives
- Housing eligibility
- Compensation for loss of housing
- Planning requirements
- Activities to support tourism
- Anti-pirating
- One for one replacement of units
- Uniform Relocation Act
- Public Benefit in Economic Development
- Timely distribution of funds
- Buildings for the conduct of local government
- Flood buyout activities
- Non-federal share
- Resettlement incentives
- Operating subsidies for affordable rental housing
- National objective documentation – economic development activities
- Rental/utility payment assistance
- Voluntary acquisition

Examples of Waivers may be found in the **Reference Library**.

THE CDBG ACTION PLAN

This section will concentrate on planning and timing as it relates to the State Community Development Agency. Previous sections of this Module discussed participation in the recovery process. This section will attempt to tie the State's goals and its role into one of the major fund sources for community and individual recovery; CDBG.

CDBG ACTION PLAN

In order to use or receive CDBG funds for disaster recovery, the State must complete and submit for approval either, 1) an amended CDBG Action Plan for their existing regular CDBG allocation or 2) a new Action Plan related to the any supplemental CDBG funds received for disaster recovery, or both.

In order to address any amendments to an existing plan so that the State may use all or a part of it's existing CDBG allocation for disaster recovery, the State must look to 24 CFR Part 91 for guidance. This regulation describes the Consolidated Plan requirements and the requirements of the annual CDBG Action Plan. It also describes any amendments to that CDBG Action Plan.

The **Reference Library** contains 24 CFR Part 91, which describes the Consolidated Plan requirements and the requirements of the annual CDBG Action Plan.

Amendments:

The State has to specify in the Consolidated Plan what will constitute a substantive change that would require a formal amendment to their existing plan. To adopt an amendment, the State is required to submit it to HUD after public hearing and public comment.

The content of the CDBG Action Plan is listed on the HUD website as follows:

- Executive Summary
- Sources of Funds
- Statement of Specific Annual Objectives
- Outcome Measures

- Method of Distribution
- Allocation Priorities and Geographic Distribution
- Annual Affordable Housing Goals
- Homeless and other Special Needs
- Other Actions
- Citizen Participation
- Monitoring

A CDBG Action Plan is also required for any supplemental appropriations for disaster recovery. Often, the Public Law will waive 24 CFR Part 91 and outline the parameters of the content of an Action Plan specifically for the use of the Supplemental Appropriation. The accompanying Federal Register Notice that is published in relation to the Supplemental Appropriation (Public Law) outlines further the specific content and requirements of that Action Plan.

CDBG Action Plans for Disaster Recovery may be submitted, in part, via HUD's web-based Disaster Recovery Grant Reporting (DRGR) system. HUD provides access to the DRGR system when a State, city or county receives Congressionally-appropriated CDBG funds. In addition, quarterly performance reports must be submitted via the DRGR system.

The Federal Register notice related to the Public Law or Supplemental Appropriations will provide guidance and requirements to the State on the required content of the Action Plan. That content may alter or eliminate some of the typical requirements applicable to a State's regular CDBG allocation.

If the State has created goals and desired outcomes, it should be expressed in the same manner in the CDBG Action Plan. The Method of Distribution and the Allocation Priorities and Geographic Distribution sections require a great deal of detail. If that is understood prior to the disaster, (see Section on Setting Priorities) or at least during the early information gathering and planning phases, the State CD Agency may have an easier time compiling the document for submission and approval.

One element of the document, as described in the Method of Distribution may be the use of waivers requested and granted for use with CDBG funds. This requirement represents a challenge to most states facing disaster recovery:

- Requesting waivers requires that the State express how they are going to be used;
- Understanding the need for a waiver requires the State to have decided how to use a particular recovery dollar;
- Having decided how to use CDBG funds requires the State to have assessed the needs and determine goals and priorities, and established strategies that will address the need and accomplish the goal
- Action plans require a specific method of distribution of funds: to whom and for what purpose and may require explanation of the use of the waivers;
- But.....
 - Requesting waivers and achieving approval takes time;
 - Drafting and submitting the Action Plan also takes time;
 - Assessing the needs, creating goals and priorities, and establishing strategies that will address the need and accomplish the goal also takes time;
 - It takes a much longer time if the communities are allowed a bottom up approach to recovery and where communities may have differing needs and plans and goals,
- So.....
 - How is the State Community Development Agency supposed to organize themselves in a manner to successfully achieve it all?

The best solution is to:

- Understand ahead of time what may be required of you;
- Gain **and keep** the perspective needed to have your eye on all of the moving parts at once;
- See the problem from the global view and the microscope; not one or the other;
- Make sure decision makers understand the timing and the requirements;
- Ask for solutions from the local HUD office;
- Ask other State CD Agency officials how they approached the same issues;

- Use this Toolkit to your advantage.

Wrapping it all Together

- Gather Information
- Assess the need
- Determine a role and an authority
- Create statewide goals from which program goals may be established
- Define the program mission
- Establish statewide priorities from which program priorities may be established
- Adopt policy that drive the priorities
- Design programming consistent with policy
- Request waivers to complement programming
- Design a method of distribution to complement program design
- Incorporate public input and feedback
- Write and submit an Action Plan*

* Write the plan even if the waivers are not approved at that point. The plan content will assist HUD in making the connection between the need and the strategies and the ultimate purpose for the waiver. If the waiver or waivers are not approved, a second option must be considered. That option should still maintain the policy, priorities and goals.

* Write a partial Action Plan and submit to HUD. The partial action plan may be one that outlines the categories of funding and intended uses in a skeleton manner, but does not provide the detail dollar amounts at the time. States have written partial action plans in order to gain access to the administration money in order that they may gear up (staff up, buy equipment, travel, etc.) and gain the proper capacity to administer the program, the funding and respond to the disaster effectively.

OTHER LOCAL PLANNING FOR RECOVERY

The State Community Development Agency may use local planning for recovery to their advantage. Projects identified from the completion of local plans may provide great guidance for project funding, award decisions, and even CDBG program design. Many states involved in disaster recovery using CDBG have given advantage or preferential access to CDBG funds that are requested for projects that came from local short or long term community recovery planning.

POLICY AND REGULATORY ISSUES STATE CD AGENCIES AND THE COORDINATION OF STATE RECOVERY EFFORTS	
1) Role of the State	
<input type="checkbox"/>	Coordinate with, and conduct an inventory of, the agencies that will be involved in the disaster and the resources of the development agencies
<input type="checkbox"/>	Size of the Disaster <input type="checkbox"/> What is the level of damage sustained?
<input type="checkbox"/>	Scope of the Disaster <input type="checkbox"/> How broad is the disaster? How many people, communities, counties, regions are affected? <input type="checkbox"/> How much time will be spent in the recovery process? Weeks? Years?
<input type="checkbox"/>	Sectors Affected – What sector or Sectors were affected? <input type="checkbox"/> housing <input type="checkbox"/> economic or business, <input type="checkbox"/> public infrastructure/public facilities, <input type="checkbox"/> environment
<input type="checkbox"/>	Sectors Affected <input type="checkbox"/> To what degree were the sectors affected? <input type="checkbox"/> Will short-term recovery efforts be necessary to implement before long-term recovery efforts? <input type="checkbox"/> Will priority order be a necessity?
<input type="checkbox"/>	Establish goals for recovery...Determine who/what agencies, etc. should participate in goal setting, priorities, and policymaking. (Approach should be from a Strategic Planning process as opposed to a comprehensive planning process) <input type="checkbox"/> Coordinate with community or communities <input type="checkbox"/> Coordinate with Governor's office <input type="checkbox"/> Coordinate with other State agencies
<input type="checkbox"/>	Establish recovery priorities based on goals
<input type="checkbox"/>	Determine policies needed to address priorities and goals
<input type="checkbox"/>	Framework for Decision-Making <input type="checkbox"/> Will the approach to recovery be "top-down, bottom up" or a combination of the two? <input type="checkbox"/> Will the state set the goals and priorities and use its resources to accomplish those? <input type="checkbox"/> Will the State respond to goals and priorities driven by each community and use its resources to accomplish those? <input type="checkbox"/> How will each affect program design and program delivery? <input type="checkbox"/> Once known, how will the Community Development Agency create policies and procedures to assist in accomplishing the goals and remain consistent with the priorities?
<input type="checkbox"/>	Encourage local community to establish recovery goals, identify recovery projects, and set priorities for projects.
<input type="checkbox"/>	Are local government goals and priorities in harmony with State's? If not, determine action, compromise, etc.
<input type="checkbox"/>	Funding: <input type="checkbox"/> Is there a state rainy day fund that will be used to aid in recovery or specifically, to match any FEMA Public Assistance funds that are provided to the state after a declaration? <input type="checkbox"/> If a supplemental CDBG appropriation is provided, how will the federal match requirement be met? <input type="checkbox"/> Will the state require local financial match for any recovery funds offered to local governments? <input type="checkbox"/> Will any use of funds require a legislative action? <input type="checkbox"/> What is the method of distribution?

POLICY AND REGULATORY ISSUES STATE CD AGENCIES AND THE COORDINATION OF STATE RECOVERY EFFORTS	
<input type="checkbox"/>	Managing Resources: <ul style="list-style-type: none"> <input type="checkbox"/> Coordination and Cooperation <ul style="list-style-type: none"> <input type="checkbox"/> Internal Coordination: Defining the CDA Mission and Avoiding Mission Creep <input type="checkbox"/> Coordinating Priorities and Goals: <input type="checkbox"/> Coordinating Partner Agencies <input type="checkbox"/> Coordinating with Communities <input type="checkbox"/> Coordinating with HUD <input type="checkbox"/> Coordinating Finances <input type="checkbox"/> Coordinating Rules and Procedures <input type="checkbox"/> Communication <input type="checkbox"/> Compromise <input type="checkbox"/> Information Sharing <ul style="list-style-type: none"> <input type="checkbox"/> Public Infrastructure/Public Facilities <input type="checkbox"/> Business/Employees <input type="checkbox"/> Housing <input type="checkbox"/> Recordkeeping
<input type="checkbox"/>	Define your role in recovery
<input type="checkbox"/>	Coordinate with Governor's Office on Federal Declaration
<input type="checkbox"/>	Communicate and Coordinate with Federal Legislative Delegation
<input type="checkbox"/>	Communicate and Coordinate with State Legislative Delegation <ul style="list-style-type: none"> <input type="checkbox"/> Pre-disaster legislation <input type="checkbox"/> Post-disaster legislation
<input type="checkbox"/>	Key participants from the State focusing on long-term recovery: <ul style="list-style-type: none"> <input type="checkbox"/> Representative from Governor's Office <input type="checkbox"/> Departments of <ul style="list-style-type: none"> <input type="checkbox"/> economic development, <input type="checkbox"/> housing, <input type="checkbox"/> commerce, <input type="checkbox"/> natural resources, or environmental protection, <input type="checkbox"/> agriculture, <input type="checkbox"/> transportation, <input type="checkbox"/> state historic preservation officer, <input type="checkbox"/> energy, and <input type="checkbox"/> any other development agency
2) Key Issues and Concepts	
<input type="checkbox"/>	Decision making authority <ul style="list-style-type: none"> <input type="checkbox"/> Establish process for making decisions <input type="checkbox"/> How far are you from the authority?
<input type="checkbox"/>	Organizational management <ul style="list-style-type: none"> <input type="checkbox"/> Memorandums of Understanding (MOU) with other agencies and organizations <input type="checkbox"/> Educational forums <input type="checkbox"/> Seminars <input type="checkbox"/> Other training opportunities
<input type="checkbox"/>	Partnerships <ul style="list-style-type: none"> <input type="checkbox"/> Federal <ul style="list-style-type: none"> <input type="checkbox"/> HUD <input type="checkbox"/> FEMA <input type="checkbox"/> USACE <input type="checkbox"/> Local Government <input type="checkbox"/> community <input type="checkbox"/> county <input type="checkbox"/> Regional Planning Agency (RPA) <input type="checkbox"/> Private Sector
<input type="checkbox"/>	Establish Clear Leadership

POLICY AND REGULATORY ISSUES STATE CD AGENCIES AND THE COORDINATION OF STATE RECOVERY EFFORTS	
<input type="checkbox"/>	Set up a Communication System
<input type="checkbox"/>	Set priorities for Program Delivery and Address Needs
<input type="checkbox"/>	Flow of Funding (examples) <ul style="list-style-type: none"> <input type="checkbox"/> HUD CDBG <input type="checkbox"/> HUD HOME Program <input type="checkbox"/> FEMA Public Assistance, <input type="checkbox"/> FEMA Hazard Mitigation, <input type="checkbox"/> USDA Rural Development, <input type="checkbox"/> Natural Resource Conservation Service, <input type="checkbox"/> US Army Corps of Engineers, <input type="checkbox"/> EPA or State Energy Assistance funding, <input type="checkbox"/> State discretionary general revenue funding, and <input type="checkbox"/> others
<input type="checkbox"/>	Set up Tracking System for Projects and Funds
3) Understanding Policy, Regulations, and Statutes	
<input type="checkbox"/>	Are there Supplemental Appropriations for this Disaster? If so, what are they? <ul style="list-style-type: none"> <input type="checkbox"/> HUD <input type="checkbox"/> FEMA <input type="checkbox"/> EDA <input type="checkbox"/> Etc.
<input type="checkbox"/>	Are all players familiar with HUD CDBG Law and Regulations? If not, establish education program/briefings
<input type="checkbox"/>	Are all players familiar with FEMA Assistance and Regulations? If not, establish education program/briefings
<input type="checkbox"/>	SBA, EDA etc
<input type="checkbox"/>	Local nonprofits, private sector, etc.
4) Waivers and Exclusions	

POLICY AND REGULATORY ISSUES

STATE CD AGENCIES AND THE COORDINATION OF STATE RECOVERY EFFORTS

<input type="checkbox"/>	Identify and document needed waivers and exclusions based on this disaster <ul style="list-style-type: none"> <input type="checkbox"/> Overall benefit <input type="checkbox"/> Consistency with Consolidated Plan <input type="checkbox"/> Citizen participation <input type="checkbox"/> Consultation with local governments <input type="checkbox"/> Action plan components <input type="checkbox"/> Pre-agreement costs reimbursable <input type="checkbox"/> Duplication of benefits <input type="checkbox"/> Distribution to urban counties and entitlements <input type="checkbox"/> Administration amount limitations <input type="checkbox"/> Reporting <input type="checkbox"/> Use of sub-recipients <input type="checkbox"/> Recordkeeping <input type="checkbox"/> Control of real property <input type="checkbox"/> State-run activities <input type="checkbox"/> Certifications <input type="checkbox"/> Program income alternatives <input type="checkbox"/> Housing eligibility <input type="checkbox"/> Compensation for loss of housing <input type="checkbox"/> Planning requirements <input type="checkbox"/> Activities to support tourism <input type="checkbox"/> Anti-pirating <input type="checkbox"/> One for one replacement of units <input type="checkbox"/> Uniform Relocation Act <input type="checkbox"/> Public Benefit in Economic Development <input type="checkbox"/> Timely distribution of funds <input type="checkbox"/> Buildings for the conduct of local government <input type="checkbox"/> Flood buyout activities <input type="checkbox"/> Non-federal share <input type="checkbox"/> Resettlement incentives <input type="checkbox"/> Operating subsidies for affordable rental housing <input type="checkbox"/> National objective documentation – economic development activities <input type="checkbox"/> Rental/utility payment assistance <input type="checkbox"/> Voluntary acquisition
<input type="checkbox"/>	Coordinate appropriate waiver language
5) The CDBG Action Plan	
<input type="checkbox"/>	Amend existing Action Plan, if appropriate based on goals, priorities, projects for this disaster <ul style="list-style-type: none"> <input type="checkbox"/> Executive Summary <input type="checkbox"/> Sources of Funds <input type="checkbox"/> Statement of Specific Annual Objectives <input type="checkbox"/> Outcome Measures <input type="checkbox"/> Method of Distribution <input type="checkbox"/> Allocation Priorities and Geographic Distribution <input type="checkbox"/> Annual Affordable Housing Goals <input type="checkbox"/> Homeless and other Special Needs <input type="checkbox"/> Other Actions <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Monitoring
<input type="checkbox"/>	Publish notice related to amended Action Plan
<input type="checkbox"/>	Create Action Plan for any Supplemental Appropriation using guidance provided in applicable Federal Register Notice.
<input type="checkbox"/>	Submit partial Action Plan (framework of goals and method of distribution, without funds committed to category, if needed) language
6) Assure Action Plan is consistent with need and goals and employs strategies to achieve them.	

